

PROPOSED
MINUTES
Juvenile Benchbook Committee
10:00 am – 1:00 pm, February 27, 2015

Members present: Nancy Gettinger, Chair; Sally Berish, Thomas Boyer, Diana Burleson, Kirk Carpenter, John Evans, Dan Kelly, Dana Kenworthy, Heather Mollo, Todd Ruetz, Harry Siamas. Karen Love, by request.

Faith Graham and Tom Stefaniak were not present.

Guests: Heather Kestian and Anisa Evan, ECS

Staff: Anne Jordan

The Juvenile Benchbook Committee met on Friday, February 27. Sally Berish prepared updated dialogues for delinquency detention hearings (8.01) and a new, combined dialogue for the initial and emergency detention hearings (8.03). Harry Siamas prepared an updated dialogue for involuntary TPR (6.03). The Committee suggested minor revisions. Anne Jordan will make the necessary changes, complete the formatting and send these out for approval.

A request was received from Don Travis to add language to 11.03, Dispositional Order. He advised that DCS is seeing more out of state placements, thus requiring language from IC 31-28-4-1. The change was made.

The Committee discussed CR 25. It was agreed that a signature line for an attorney should be added to the form created by this committee.

The next meeting is March 27.

The meeting was adjourned at 1:00 p.m.

MINUTES

Juvenile Bench book Committee

March 27, 2015

10:00 a.m. -1:00 p.m.

Members Present: Nancy Gettinger, chair; Dana Kenworthy, Grant Superior Court; Faith Graham, Tippecanoe Superior Court; Harry Siamas, Montgomery Circuit Court; Karen Love, Hendricks Superior Court (ad hoc member).

Members unable to attend: Sally Berish, Boone Circuit Court; Thomas Boyer, Allen Superior Court; Diana Burleson, Marion Superior Court; Kirk Carpenter, DeKalb Circuit Court; John Evans, Harrison Circuit Court; Daniel Kelly, Vigo Circuit court Heather Mollo, Bartholomew Circuit court; Todd Ruetz, Hamilton Superior Court, Thomas Stefaniak, Lake Superior Court, Juvenile Division

Guests: Angela Reid-Brown, Indiana Judicial Center.

Staff: Anne Jordan, Indiana Judicial Center

1. Approval of Minutes. The minutes from the meeting on February 27, 2015, were approved.
2. Federal Legislation: Preventing Sex Trafficking and Strengthening Families Act (and corresponding state DCS legislation). Angela Reid-Brown, CIP Administrator, presented information on new federal legislation which implements a 'reasonable and prudent parent' standard for foster parents to make parental decisions that maintain the health, safety, and best interests of a child. The committee will work with Deniece Safewright, DCS on language in the Bench book forms. Angela also reported the new law eliminates APPLA as a permanency plan for children under the age of 16, and sets out requirements for what must be documented by DCS and probation when APPLA is the plan for a child over age 16. There are also changes to case plan/transitional services plan for a child 14 and older including documentation that must be signed by the child and submitted to the court. The purpose is to lessen the impact on younger children of a less than ideal permanency plan.
3. Revisions to bench book dialogues. The dialogues for Detention Hearing/Initial hearings and voluntary TPR were revised but not finalized.

DCS: HEA 143, based on federal legislation (#2, above) requires changes in BB forms. An email from Deniece Safewright with the Department of Child Services was reviewed.

She will be asked to submit their recommended changes to the forms for review at our next meeting.

--New Administrative Letter & Revised Policy 2.8. Copies were distributed. Committee members are concerned about a possible conflict of interest with this statement in the letter dated April 1, 2015:

“If information obtained during an interview with a child/youth indicates that the child/youth may be a perpetrator of a criminal offense of delinquent act, DCS staff will contact the appropriate LEA and request LEA conduct any questioning of the child/youth relating to the child/youths possible commission of a criminal offense or delinquent act. “

4. Open discussion. Committee members are all seeing an increase in CHINS filings. All are drug-related, mainly heroin use.

5. Next Meeting:

May 1, 12:30-3:30

Joint meeting with JJIC and ICJFCJ

Indiana Judicial Center, Suite 900

Juvenile Justice Improvement Committee, Judicial Conference of Indiana
Juvenile Benchbook Committee, Judicial Conference of Indiana
Board of Directors, Indiana Council of Juvenile and Family Court Judges

Meeting
May 1, 2015

The Juvenile Justice Improvement Committee and the Juvenile Benchbook Committee of the Judicial Conference of Indiana, and the Board of Directors, Indiana Council of Juvenile and Family Court Judges held a joint meeting on Friday, May 1, 2015, at the Indiana Judicial Center in Indianapolis, Indiana from 12:45 - 3:00 p.m.

1. Members present.

- a. Juvenile Justice Improvement Committee: Steven H. David, liaison member, James Nivard Fox, Stephen R. Galvin, Bruce A. MacTavish, Lori K. Morgan and Charles F. Pratt;
- b. Juvenile Justice Improvement Committee and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Christopher L. Burnham, Gray K. Chavers, Darrin M. Dolehanty, Roger L. Duvall, and Mary G. Willis;
- c. Juvenile Benchbook Committee: Sally E. Berish, Thomas P. Boyer, Faith A. Graham, Daniel W. Kelly, Heather M. Mollo, Todd Ruetz, and Harry A. Siamas;
- d. Juvenile Benchbook Committee and Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Nancy L. Gettinger and Dana J. Kenworthy; and
- e. Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Vicki L. Carmichael; were present.

2. Staff present. Jeffrey Bercovitz, Anne Jordan, and Angela Reid-Brown.

3. Guests present. Judge Karen Love; Mary Beth Bonaventura, Director; Parvonay Stover, Legislative Director; and Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, Department of Child Services (DCS).

4. Minutes approved. The minutes for the meeting of the committee on March 6, 2015 were approved.

5. DCS Report.

- a. Resources v. Services. Mary Beth Bonaventura, Director, Department of Child Services reported all services are available for CHINS and Delinquency cases. DCS “resources” are for internal use, and are made available to delinquency cases on a case by case basis. These include clinicians, investigators, nurse specialist, and education liaisons.
- b. Case Managers. Mary Beth Bonaventura, Director, distributed information on the recent Deloitte Consulting report on the number of DCS case managers. She explained the caseload standard of 12/17 is based on the Child Welfare League of America standard and is codified by statute. The Indiana General Assembly added \$7.5 million dollars to the DCS budget for 100 new Family Case Managers (FCM), 17 new FCM supervisors, and 17 new administrative positions to support office functions. The 12/17 standard will also be reviewed. In addition, the

DCS is looking at closing case files where the children were returned home, but the file was not closed out to get more accurate caseload numbers.

c. Step-Down and Disruption. Don Travis distributed a revised Step-Down and new Disruption Policy. He reported the Collaborative Communication Committee (CCC) has reviewed and revised the policy which he discussed with committee members. He noted the Disruption Policy had also been reviewed by the CCC members. He noted there are four facilities which provide diagnostics for juveniles other than DOC. He stated the bullet points under the disruption policy may be what a facility may have done before the disruption occurred with the juvenile.

Judge MacTavish moved to approve the revised Step-Down and Disruption policies. Judge Galvin seconded the motion. The motion was passed.

Judge Carmichael moved to approve the revised Step-down policy and Disruption policy by the Board of Directors of the Indiana Council of Juvenile and Family Court Judges. Judge Burnham seconded the motion. The motion was passed.

d. Foster care rights. A new Foster Care Rights Policy was distributed by Don Travis. He stated foster care applied to children in out-of-home care under federal law, which Indiana is required to follow. DCS and Probation wanted to have the same policy for CHINS and Delinquents, which must be in place by July 1, 2015. He also explained he is working with Court Technology to have this coupled with the case plan for Delinquency cases and print for signature. Committee members had questions about practical implications of this new policy e.g. providing attorneys in CHINS cases, and pregnant youth provisions. Judge Fox and Judge MacTavish agreed to work with Judge Bonaventura on the policy.

Judge Burnham moved to conditionally approve the Foster Care Rights Policy with Judge Fox and Judge MacTavish as volunteers to resolve questions about practical implications about the policy.

Judge Galvin seconded the motion. The motion was passed.

e. Probation signing on behalf of parent. Don Travis discussed a recent question about the authority of probation officers to sign documents on behalf of parents when parents are not available. Some courts hold a show cause hearing with notice to the parents to appear and sign documents, in order to give the parents a chance to sign. Some judges sign on behalf of the court. Some courts ordering probation to sign the document. Committee members agreed by consensus to have the Juvenile Benchbook Committee revise its orders in this area. The Benchbook order would direct the agency seeking an order for a parental signature when the parent is unavailable, to return to the court to seek an order for actions needed on behalf of the child.

f. Financial assistance to non-licensed relatives. A draft DCS policy on financial assistance to non-licensed relatives was distributed to the committee. Don Travis distributed a flow chart of the process. DCS would need a copy of the court order showing the placement with the non-licensed relative. The process to claim these monies would be the same for FCM's and probation officers. Judge Burnham requested the Juvenile Benchbook Committee work with DCS on incorporating the instructions for this information into the Juvenile Benchbook.

g. Transition plan for delinquents. Don Travis discussed the need for a transition service plan for delinquents. Committee members agreed by consensus the statute, which requires this plan, applies to delinquents in out of home placements including foster care.

h. Friday Note. Members of the committee discussed a recent Friday Note which indicated the need for a child support worksheet to be prepared. Some probation officers believed it

required them to prepare the worksheet. Committee members discussed there was no requirement for probation to prepare the child support worksheet on behalf of the parents.

i. Legislation. Parvonay Stover reported HEA 1434 was signed by the governor yesterday. SB 324 concerning child support and a new version of UIFSA was adopted by the General Assembly. HB 1001 added \$11 million for adoption subsidies and \$7.5 million for additional case managers. Don Travis noted DCS support for dual jurisdiction legislation. Judge Willis thanked DCS for its hard work on legislation this year.

6. Judicial Engagement.

a. Judge Willis reported the foster care mapping project is moving slower than expected, and training is now starting on it.

b. Judge Willis reported HB 1196, dual jurisdiction legislation passed. She and Judge Pratt met telephonically with Casey for assistance. A framework for use of this new law will be available by the June 18-19 juvenile court judicial officer's conference.

c. Judge Willis reported Casey will host a site visit in Henry County on Tues., May 12.

7. Legislation. Committee members discussed [SB 324](#) - Various child support matters; new version of UIFSA, adoption; HB 1196 – CHINS/Delinquents - Dual Jurisdiction; [HB 1216](#) - Missing children and trafficked children; HB 1269 – Juv. leaving DOC to get mental health treatment; [HB 1302](#) – expungement of adult and juvenile records; [HB 1304](#) - Multiple juvenile and criminal law issues; and HB 1434 – DCS amendments for preventing sex trafficking, APPLA, adoption subsidies, and other areas.

8. Other.

a. Judge Burnham distributed an updated Criminal Rule 25 based on the recommendation of the Juvenile Justice Improvement Committee.

b. Angela Reid-Brown reported the next meeting of the Commission on Improving the Status of Children would be held on May 20, 2015. The substance abuse crises will be the main topic discussed.

c. Judge Willis reported the ICJFCJ used the IJA legislative analyst a lot this year and recommended ICJFCJ should reimburse the IJA for that use. She said a payment of \$5,000 to the Indiana Judges Association for the analyst's assistance for this and previous years was appropriate.

Judge Burnham moved to authorize a payment to the Indiana Judges Association of \$5,000 to defray the cost of the lobbyists' services for the present session and past session of the Indiana General Assembly. Judge Pratt seconded the motion. The motion was passed by the ICJFCJ Board.

d. Magistrate Chavers reported an 80% increase in CHINS cases in Marion County since the first quarter of 2013.

e. Judge MacTavish thanked Judge Mary Willis, outgoing president of the Indiana Council of Juvenile and Family Court Judges, and Judge Christopher Burnham, outgoing Chair, Juvenile Justice Improvement Committee for their service on behalf of Indiana's juveniles. Judge Pratt reported Magistrate Boyer was leaving the juvenile bench after 16 years and thanked him for his service.

9. Next meeting dates. The Juvenile Justice Improvement Committee agreed to meet again on Friday, October 2, and December 11, 2015 (Not December 4 as previously noted) from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Minutes

Juvenile Benchbook Committee

August 21, 2015

10:00 a.m. -1:00 p.m.

Members Present: Nancy Gettinger, chair; Sally Berish, Boone Circuit Court; Kirk Carpenter, DeKalb Circuit Court; John Evans, Harrison Circuit Court; Harry Siamas, Montgomery Circuit Court; Todd Ruetz, Hamilton Superior Court, Karen Love, Hendricks Superior Court (ad hoc member).

Members unable to attend: Dana Kenworthy, Grant Superior Court; Faith Graham, Tippecanoe Superior Court; Thomas Boyer, Allen Superior Court; Diana Burleson, Marion Superior Court; Daniel Kelly, Vigo Circuit Court; Heather Mollo, Bartholomew Circuit court; Thomas Stefaniak, Lake Superior Court, Juvenile Division

Staff Present: Anne Jordan and Matthew Hagenbush

1. Minutes from March 27, 2015, APPROVED (Nancy Gettinger, seconded by Harry Siamas).
2. APPLA language to BB forms.
The committee reviewed the following forms with the changes suggested by DCS: C-13.07, 13.08, 14.05, and 14.06. Edits were made to simplify the language. Deneice Safewright, DCS, will be asked to clarify questions from the committee prior to posting to InCite.
3. Review and approve CHINS Dialogue (7.02). Nancy Gettinger reviewed the addition to the dialogue she made. Committee approved all changes. Staff will post this to InCite.
4. Review Advisement of Rights Forms, CHINS, JD, TPR from Faith Graham. Judge Graham was unable to attend. The committee reviewed her second draft of the "Voluntary Termination of Parent/Child Relationship." Because there were significant changes (mainly in the placement of paragraphs, not the language), it was agreed to table the review until October. In the meantime, Todd Ruetz will create a separate document with his suggested layout.
5. Suggested change in language for TPR orders from Charlie Pratt. Committee approved. Staff to change the language and get it posted on InCite.

6. Cross-systems Youth Symposium, July 24, 2015. Five of the committee members attended the Cross System Youth Symposium. All found it helpful to share the round table discussions with their teams.
7. Open discussion
Petitions and orders in CHINS cases: should the BB committee let DCS create them?
Committee all agreed to keep the development of CHINS petitions and orders with the juvenile bench book committee
8. The Committee thanked Nancy Gettinger for her years of service as chair. She goes off of the committee as of the September conference.
9. Next Meeting: October 23, 2015 (*no meetings in November or December due to holidays*)

2016 Meeting Calendar: Meetings are generally held the 4th Friday of each month.

January 22, 2016

February 26, 2016

March 25, 2016

May/ June: Joint meeting with JJIC, ICJFCJ

August 26, 2016

October 28, 2016

Minutes

Juvenile Benchbook Committee

October 23, 2015

10:00 a.m. -1:00 p.m.

Members present: Kirk Carpenter, chair; Sally Berish, Diana Burleson, Faith Graham, Dan Kelly, Karen Love, Graham Polando, Todd Ruetz, Harry Siamas

Staff: Matthew Hagenbush, Anne Jordan

1. The minutes from August 21 were approved.
2. Anne advised that all forms reviewed in August have been posted to our website.
3. APPLA language to BB forms: Response from DCS, Matt's review: Matt advised that according to his research, the APPLA court orders are not required to contain specific findings. He revised the orders to state "*Based on the information provided in the DCS report or presentation in open court*". C13.07 (APPLA) was approved. C-13.08 was also reviewed, both APPLA and non-APPLA and both approved with minor revisions were made to allow for "other concurrent plans are included as checked above." (APPLA form).
4. Review JD Dispositional Dialogue (11.02), Sally: Approved with minor deletions from the D-11.06 and 07, written warnings.
5. Review TPR dialogue for initial hearing on involuntary TPR, Todd: The committee agreed to take more time to review this. It was tabled until January.
6. Review Advisement of Rights Forms, TPR: Harry: Harry advised he used a template from Tippecanoe County. Revisions were made to paragraph 3 on the right to counsel, deleting any reference to cost. Additional revisions were made to paragraph 8 on the language concerning the litigant's right to remain silent.
7. Report on Dual Jurisdiction pilot project, Faith: Five counties are taking part in a pilot program to implement the 2015 legislation on dual status youth. Faith provided the committee with four sample forms, including a report on the dual status child screening tool, referral to the dual status assessment team, recommendation of the dual status assessment team, and the order on that recommendation. The committee agreed these forms are not ready to be posted on InCite, but can be circulated to courts who call and request them. A session will on the project will be presented at the 2016 Annual Meeting of Juvenile Court Judges.
8. Open discussion

9. Staff transition: Matthew. Anne Jordan announced that after 17 years, she was passing the torch for the duties of the Juvenile Benchbook committee to Matthew, starting in January.

10. Next Meeting: January 22, 2016

2016 Meeting Calendar: Meetings are generally held the 4th Friday of each month.

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